

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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BETTY MCPHATTER,

Plaintiff,

-against-

M. CALLAHAN & ASSOCIATES, LLC,

Defendant.
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NICHOLAS G. GARAUFIS, United States District Judge.

On November 1, 2011, Plaintiff Betty McPhatter filed this action against Defendant M. Callahan & Associates, LLC, alleging violations of the Federal Debt Collection Practices Act ("FDCPA"), 15 U.S.C. § 1692 et seq. (Compl. (Dkt. 1).)

On January 31, 2013, Plaintiff moved for default judgment against Defendant. (Mot. Default J. (Dkt. 10).) The court referred this motion to Magistrate Judge Lois Bloom for a report and recommendation ("R&R") pursuant to 28 U.S.C. § 636(b)(1)(B) and Federal Rule of Civil Procedure 72(b)(1) to address both liability and damages. (See Apr. 19, 2013, Order (Dkt. 11).)

On July 2, 2013, Judge Bloom issued an R&R, recommending Plaintiff's motion be denied without prejudice, subject to Plaintiff submitting additional necessary information. (Default J. R&R (Dkt. 14).) On July 3, 2013, Plaintiff submitted a request for reconsideration (Dkt. 15), which was granted by Judge Bloom in an order withdrawing the initial R&R (Aug. 2, 2013, Order (Dkt. 16)). Subsequently, on August 5, 2013, Judge Bloom issued an Amended R&R, recommending that the court grant Plaintiff's motion for default judgment and direct the entry of judgment against Defendant in the amount of \$5,056.75, representing \$500 in actual damages, \$500 in statutory damages, and \$4,056.75 in attorneys' fees and costs. (See Am. R&R

(Dkt. 17).) Pursuant to Judge Bloom's Order (see id. at 13), Plaintiff filed proof of service of the Amended R&R upon Defendant (see Dkt. 18).

No party has objected to Judge Bloom's Amended R&R, and the time to do so has passed. See Fed. R. Civ. P. 72(b)(2). (See also Amended R&R at 14.) Therefore, the court reviews the Amended R&R for clear error. See Gesualdi v. Mack Excavation & Trailer Serv., Inc., No. 09-CV-2502 (KAM) (JO), 2010 WL 985294, at *1 (E.D.N.Y. Mar. 15, 2010); La Torres v. Walker, 216 F. Supp. 2d 157, 159 (S.D.N.Y. 2000); cf. 28 U.S.C. § 636(b)(1). Finding no clear error, the court ADOPTS the Amended R&R in its entirety, see Porter v. Potter, 219 F. App'x 112 (2d Cir. 2007), and, as set forth above and in the Amended R&R: Plaintiff's motion for default judgment is GRANTED and judgment shall be entered against Defendant for \$5,056.75, representing \$500 in actual damages, \$500 in statutory damages, and \$4,056.75 in attorneys' fees and costs. The Clerk of Court is respectfully directed to enter judgment and close the case.

SO ORDERED.

Dated: Brooklyn, New York
September 11, 2013

s/Nicholas G. Garaufis

NICHOLAS G. GARAUFIS
United States District Judge